

Notice of Allowability

Application No.

10/725,238

Examiner

Jenna-Leigh Befumo

Applicant(s)

TSIARKEZOS ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on April 14, 2006.
2. ☒ The allowed claim(s) is/are 1-29,36-47 and 52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. The Amendment submitted on April 14, 2006, has been entered. Claims 30 – 35 and 48 – 51 have been cancelled. Claims 1 and 36 have been amended and claim 52 has been added.

Therefore, the pending claims are 1 – 29, 36 – 47, and 52.

2. The double patenting rejection to claim 35 is withdrawn since claim 35 has been canceled.

3. The 35 USC 102 and 35 USC 103 rejections based on Zafiroglu (4,876,128) are withdrawn since Zafiroglu fails to teach the claim density of the starting material. The disclosure of Zafiroglu that the material has a specific volume of 20 to 25 cm³/g is discussing the finished product and not the density of the starting product. And as discussed by the applicant, the starting materials disclosed by Zafiroglu do not have the combination of the claimed density and basis weight to produce a substantially unpacked starting material (response, pages 7 – 9).

Further, the stretch disclose by Zafiroglu is based on the contracted dimensions of the fabric after the fabric has been through a shrinkage treatment and does not discuss the elastic stretch as compared to the as stitched dimensions. The product disclosed by Zafiroglu is made with different starting materials and would not inherently stretch at least 2.5 times beyond the as-stitched dimensions without forming ruptures.

During the interview of April 11, 2006, the applicant provided sample materials producing a stitch-bonded nonwoven material with a base substrate within the claimed density and basis weight parameters and with a base substrate representative of the prior art, which was outside of the density and basis weight parameters. The samples produced from starting

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materials outside of the claimed dimensions produced ruptures or areas free of backing material after being stretched.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: The prior art fails to teach or fairly suggest a stitched-bonded fabric comprising a nonwoven base material having a density between 0.02 and 0.12 g/cm³ and a density between 15 and 150 g/cm² wherein the material is bonded with a binder and stitch-bonded to produce a nonwoven fabric which can stretch at least 2.5 the as stitched dimension without forming ruptures within the fabric. While the prior art discloses materials that can be stretched, the prior art doesn't suggest materials which can be stretched at least 2.5 times past the as-stitched dimensions without forming voids or ruptures in the base material. It is the applicant's combination of density and basis weight which produces a material which can be stretched to the claimed dimensions without forming voids in the substrate material. An updated search produced no new art of record.

5. Claim 1 is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 8 – 10, 16, 26 – 29, and 37 – 42, directed to the species as set in the restriction requirement mailed on September 1, 2005 is no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

6. Therefore, claims 1 – 29, 36 – 47 and 52 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jenna-Leigh Befumo

May 1, 2006